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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,921	02/10/2006	Taro Kurita	284921US6PCT	5890
22850 7590 06/23/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JACOB, AJITH	
			ART UNIT 2161	PAPER NUMBER
			NOTIFICATION DATE 06/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,921

Applicant(s)

KURITA, TARO

Examiner

AJITH JACOB

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

1. In view of the appeal brief filed on 31 December 2009, PROSECUTION IS HEREBY REOPENED. A new ground for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Callegari et al. (US 2003/004802 A1).

For claim 1, Callegari et al. teaches:

["The method includes providing a graphical user interface that receives coupon information in an electronic medium. The coupon information includes a description of goods and/or services offered by the merchant under merchant defined promotional terms for a defined limited time period, an identifier of the merchant, and a defined location for the coupon offer. The method further includes receiving information from a consumer device that includes an indication of the consumer's location. If the indication of the consumer's location overlaps with the defined location for the coupon offer and is received within the defined limited time period, then the coupon information is presented to the consumer device in response to receiving the indication of the consumer's location", 0011: The reference provides a device that is a portable wireless medium that can act as a merchant or consumer, and create, or modify a coupon based on the customer's specified preferences. The consumer receives and is able to analyze the received information and use it in various ways. Amount of access and period of access times can be defined and counted to limit usage].

A mobile phone ["mobile telephone", 0047: consumer device is a phone], comprising:
a communication section configured to transmit/receive data through a wireless or wired transmission path ["wired device or a wireless device", 0047: merchant to consumer contact by wired or wireless];

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data processing section configured to process the data transmitted/received by the communication section ["enables merchants to readily create, modify, or update a virtual coupon and to present that coupon to a consumer device... 'pulled' by the consumer based on an active search executed by the consumer", 0104: ability on device side to create or modify coupons and also to do active searches for a coupon, thus teaching data processing for transmission and receiving];

a memory space in which a file processed by the data processing section is arranged ["coupon may be presented in text format to consumer device configured to receive text messages... options may include, for example, 'no termination period', 'two weeks' ...", 0106: message sent to consumer in text message and saved for a defined time period];

archive-file creating means for creating an archive file for at least one file to be backed up ["associated records made at different locations", 0113: archiving of records to backup events recorded on various times], wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file ["When users subscribe to the Service, the User's reference is attached to the service", 0085: once the user subscribes to the service, the reference of the user is passed along with each service to the client. This is used in later examples for coupon transfer to identified customer and loading data on trips to a central location for secured access in the future through the internet] so that the archive file can be decompressed only at the destination terminal specified by the identification information ["A reference to this user is placed within a service personalization database... organized by the Context in which they will be used", 0085: reference

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information saved in the service personalization database used to transfer context based on identity]; and

means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed [“providing a register that records a number that is incremented each time the coupon is presented the consumer device”, 0013: register with value for access count].

For claim 2, Callegari et al. teaches:

The mobile phone according to claim 1, further comprising access management means for managing access to the at least one file whose archive file was created [“‘private’ would classify information that is only accessible by a particular user”, 0068: access management of content].

For claim 3, Callegari et al. teaches:

The mobile phone according to claim 2, further comprising file-link designating means for designating a link of files to be simultaneously opened [links to an audio file or an electronic coupon", 0044: ability to link various files],

wherein the file associating designating means generates a file-link designating file that designates a link between the at least one file whose archive file was created and an access management information file in which access management information for the at least one file is described [“merchant specified option buttons”, 0044: access to files based on merchant specified options], and

when the at least one file whose archive file was created is accessed, the access management means simultaneously opens the access management file, performs

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access management in accordance with the access management information, and updates content of the access management information [“presenting a virtual coupon to a consumer based on consumers location....update a virtual coupon”, 0104: management of consumer’s access to what data they should receive].

For claim 4, Callegari et al. teaches:

The mobile phone according to claim 3, wherein the access management means decrements the counter value every time the access management information file is opened [“decrementing the recorded number each time a coupon is redeemed”, 0013: coupon redemption decrements access number].

For claim 5, Callegari et al. teaches:

The mobile phone according to claim 1, wherein the memory space employs a directory structure [“timestamps the messages and attaches it to the location”, 0113: structured according to person, location and time], and

the archive-file creating means creates an archive file for a directory to be backed up, wherein identification information of a destination terminal at which the archive file for the directory is to be decompressed is attached to the archive file [“indication of the type of consumer device may be sent...list that identifies the consumer”, 0049: file contains identification of consumer].

Claim 6 is a method of claim 1. Callegari et al. teaches the limitations of claim 1 for the reasons stated above.

Claim 7 is a method of claim 2. Callegari et al. teaches the limitations of claim 2 for the reasons stated above.

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Claim 8 is a method of claim 3. Callegari et al. teaches the limitations of claim 3 for the reasons stated above.

Claim 9 is a method of claim 4. Callegari et al. teaches the limitations of claim 4 for the reasons stated above.

Claim 10 is a method of claim 5. Callegari et al. teaches the limitations of claim 5 for the reasons stated above.

For claim 11, Callegari et al. teaches:

The mobile phone of claim 1, further comprising:

means for authenticating the access management information file using an independent key different from a symmetric key used to authenticate the archive file [“‘private’ would classify information that is only accessible by a particular user”, 0068: having a key to gain access to certain content].

For claim 12, Callegari et al. teaches:

The mobile phone of claim 1, further comprising:

means for simultaneously authenticating the archive file and the access management information file [“prescribed behavior associated with the access”, 0076: access to the data can be a defined behavior thus leaving it possible for simultaneous authentication and access].

Response to Arguments

Applicant's arguments and appeal filed on December 31, 2009 have been fully considered and a further search was done. A new reference was found that teaches

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over the claims presented in the instant application and has been explained and applied above.

Conclusion

The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/10/2010

AJ
Patent Examiner

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161